

### **REMARKS**

Applicant requests reconsideration and allowance in view of the following remarks. Claims 2-41 are pending in this application, with claims 2, 7, 12, and 27 being independent. Claims 23, 24, and 38 have been amended for clarity, and new claims 40 and 41 have been added. Support for the new claims may be found throughout the application, for example, at page 8, lines 5-19 and FIG. 6. No new matter has been introduced.

### **Information Disclosure Statement**

The information disclosure statement filed December 15, 2003 has not been considered because of various informalities. Applicant is concurrently filing a second information disclosure statement that properly lists the references included in the information disclosure statement filed December 15, 2003. Accordingly, Applicant respectfully requests consideration of the references cited in the second information disclosure statement.

### **Specification Objections**

The abstract of the disclosure was objected to because of undue length and the specification was objected to for various informalities. Applicant has amended the abstract of the disclosure and the specification. Applicant submits that the amendments to the abstract of the disclosure and the specification address all of the issues raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of these objections.

### **Claim Objections**

Claim 23 was objected to because of a minor informality. Applicant has amended claim 23. Applicant submits that the amendment to claim 23 address all of the issues raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 23.

### **Double Patenting**

Claims 2-39 were rejected for nonstatutory double patenting over claims 1-62 of U.S. Patent No. 6,692,359. A terminal disclaimer in compliance with 37 C.F.R. §§ 3.73(b) and

1.321(b) is being filed concurrently with this amendment. Therefore, for at least this reason, Applicant respectfully requests reconsideration and withdrawal of the double patenting rejection of claims 2-39.

Notably, the terminal disclaimer has merely been filed to expedite allowance of the claims of this application, and no substantive position should be attributed to its filing. In fact, in making this rejection, the office action characterizes the currently pending claims and previously issued claims generally and with respect to each other, in addition to characterizing what would have been known or obvious to one of skill in the art. Applicant does not acquiesce to any of these characterizations.

### **Claim Rejections Under 35 U.S.C. § 112**

Claims 2-11 have been rejected under 35 U.S.C. § 112. Specifically, the specification is said not to “reasonably provide enablement for level of interest in items” because the “disclosure does not describe the user providing information related to interest or skill level for any item other than video games.” Office Action at page 5. Applicant respectfully disagrees.

In particular, the Office Action indicates that the specification includes enabling description “for displaying gradation of interest in games.” *Id.* Applicant submits that a game is a type of item and, as such, the description of displaying gradations of interest in games provides enabling description of displaying gradations of interest in items.

Moreover, the specification does not limit the described techniques to games and the specific implementations set forth, but, instead, indicates that the described techniques may be applied in other contexts and that modifications may be made. For example, the specification indicates that the described techniques are “applicable to the computer industry and specifically to the video game industry” and that, although “the preferred embodiment and best mode of the invention have been disclosed, variations and changes may be made without departing from the spirit of the invention.” Specification at page 12, lines 6-9.

In addition, the disclosure is not limited to video games. Rather, the field of the disclosure “relates to interfacing on a computer network” and the disclosure “provides a method of interfacing between computer systems on a network” where “[i]nterfacing means simply to

communicate between computer systems on the network.” Specification at page 1, line 6 and 21-22.

For at least these reasons, Applicant submits that the specification provides enabling disclosure of levels of interest in items. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112 rejections of claims 2-11.

Claims 24 and 38 also have been rejected under 35 U.S.C. § 112 for lacking proper antecedent basis for the term “the rendered profile information.” Applicant has amended claims 24 and 38. Applicant submits that the amendments to claims 24 and 38 address all of the issues raised in the Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the 35 U.S.C. § 112 rejections of claims 24 and 38.

### **§ 103 Rejections**

Independent claims 2 and 7, along with their dependent claims 3, 5, 6, 8, 10, and 11, were rejected as being unpatentable over Bowen (“How to get the most out of COMPUSERVE, 4<sup>th</sup> edition, 1989”) in view of OFFICIAL NOTICE. Applicant respectfully requests reconsideration and withdrawal of these rejections for at least the reasons discussed below.

With respect to independent claim 2, the Office Action fails to provide a prior art reference that describes “displaying several gradations of interest, the gradations of interest including a level representing relatively little interest, a level representing relatively intermediate interest, and a level representing relatively great interest,” and “the profile information including a level of interest that is selected from among the several displayed gradations of interest.” Instead, the Office Action relies on OFFICIAL NOTICE for these features. Applicant respectfully disagrees, traverses the use of OFFICIAL NOTICE taken in the Office Action, and respectfully requests provision of a prior art reference for these features. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 2 and its dependent claims.

With respect to independent claim 7, the Office Action fails to provide a prior art reference that describes “the profile information including a level of interest, the level of interest being chosen from among gradations of interest including a level representing relatively little interest, a level representing relatively intermediate interest, and a level representing relatively

great interest.” Instead, the Office Action relies on OFFICIAL NOTICE for these features.

Applicant respectfully disagrees, traverses the use of OFFICIAL NOTICE taken in the Office Action, and respectfully requests provision of a prior art reference for these features.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of independent claim 7 and its dependent claims.

Claims 4 and 9, which depend from claims 2 and 7, respectively, were rejected as being unpatentable over Bowen in view of OFFICIAL NOTICE and Stults (U.S. Patent No. 4,987,492). Applicant respectfully requests reconsideration and withdrawal of these rejections at least because Stults fails to remedy the deficiencies of the rejection of independent claims 2 and 7 discussed above. Nor does the Office Action contend that Stults does so. For at least this reason, applicant respectfully requests reconsideration and withdrawal of the rejections of claims 4 and 9.

#### **New Claims**

New claims 40 and 41 depend from independent claims 2 and 7, respectively. At least for the reason of that dependency and the reasons noted above with respect to independent claims 2 and 7, Applicant submits that claims 40 and 41 are allowable.

#### **Conclusion**

It is believed that all of the pending issues have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this reply should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this reply, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that all claims are in condition for allowance.

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Filed : December 15, 2003  
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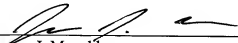
Attorney's Docket No.: 06975-221002

The fee in the amount of \$100.00 in payment of the excess claims fee is being paid concurrently herewith on the Electronic Filing System (EFS) by way of Deposit Account authorization. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

Date:

5/5/2008

  
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